

**REMARKS/ARGUMENTS**

This reply is fully responsive to the Office Action dated 20 APRIL 2007, and is filed within four - (4) months following the mailing date of the Office Action. The

Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The method of payment and fees for petition fee due in connection therewith is enclosed.

**Objection/Rejection Summary:**

This application has been carefully reviewed in light of the Office Action of April 20, 2007, wherein:

A. The objection of Claims 10, 27, 44, and 61 was withdrawn;

B. The rejection of Claims 1-68 under 35 U.S.C. § 112 was withdrawn;

C. The rejection of Claims 1, 2, 10, 16-19, 27, 33-36, 44, 50-53, 61, 67, and 68 under 35 U.S.C. § 102(b) as being anticipated by Skaanning et al. was withdrawn;

D. The rejection of Claims 3-9, 11-15, 20-26, 28-32, 37-43, 45-49, 54-60, and 62-66 under 35 U.S.C. § 103(a) as being unpatentable over Skaanning et al., in view of Murphy ("Dynamic Bayesian Networks: Representation, Inference, and Learning") was

withdrawn; and

E. Claims 1-9, 11-26, 28-43, 45-60, and 62-68 were rejected under 35 U.S.C. § 102(a) as being anticipated by Thompson et al. ("Evaluation of Bayesian Networks Used for Diagnostics," IEEE Aerospace Conference, March 2003, hereinafter referred to as the "Thompson article").

Please note that, in order to facilitate the reading of this Office Action Response, **all the statements submitted by the Applicants have been indented while the Examiner's statements (presented in the Office Action dated 20 APRIL 2007) are not indented.**

Furthermore, please note that the claims addressed herein are in the same order as the Examiner presented them in the Office Action.

**Claim Rejections - 35 USC § 102(a)**

5 E. In section 6 of the current Office Action, the Examiner rejected Claims 1-9, 11-26, 28-43, 45-60, and 62-68 under 35 U.S.C. § 102 (a) as being clearly anticipated by the Thompson article.

**Examiner's rejection of independent Claims 1, 18, 35, and 52**

10 Regarding Claims 1, 18, 35, and 52, the Examiner stated that the Thompson article discloses a method for automatically evaluating Bayesian network models for decision support comprising receiving a Bayesian Network (BN) model (referring to Section 2.2 "Bayesian Network Models") including evidence nodes and conclusion nodes (referring to Section 2.2 "Bayesian Network Models" and Paragraph 6), where the conclusion  
15 nodes are linked with the evidence nodes by causal dependency links (referring to Figure 1), and where the evidence nodes have evidence states and the conclusion nodes have conclusion states (referring to Section 2.2 "Bayesian Network Models" and Paragraph 6). The Examiner further stated that the "evidence nodes" in the instant application are analogous to the "observation nodes" in the prior art and that the  
20 "conclusion nodes" in the instant application are analogous to the "component nodes" in the prior art.

Furthermore, the Examiner stated that the Thompson article is directed to a method for automatically evaluating Bayesian network models for decision support comprising  
25 setting the states of the conclusion nodes to desired conclusion states (referring to Section 3.2, Paragraph 4, Steps 1 and 2) and determining, by propagating down the causal dependency links, a corresponding probability of occurrence of evidence states of the evidence nodes (referring to Section 3.2 Paragraph 4, Steps 3.1- 3.4) and producing, from the probability of occurrence, a plurality of samples of most likely states of the evidence  
30 nodes (referring to Section 3.2, Paragraph 4, Step 3).

Reply to Office Action of April 20, 2007

---

The Examiner further stated that the Thompson article is directed to a method for automatically evaluating Bayesian network models for decision support comprising setting the states of the evidence nodes to states corresponding to the plurality of samples of the evidence states (referring to Section 3.2, Paragraph 6, Step 1), and  
5 propagating the evidence states back up the causal dependency links to the conclusion nodes, to obtain a plurality of probabilities of the resulting states of the conclusion nodes (referring to Section 3.2, Paragraph 6, Step 2).

The Examiner also stated that the Thompson article is directed to a method for  
10 automatically evaluating Bayesian network models for decision support comprising outputting a representation of the plurality of the probabilities of the states of the conclusion nodes (referring to Section 3.2, Paragraph 8).

Regarding independent Claims 18 and 35, the Examiner further stated that the Thompson  
15 article is directed to an apparatus for performing the above steps (referring to Section 4.4), specifically a Dell Dimension 8100 computer.

Regarding independent Claim 52, the Examiner stated that the Thompson article is directed to a computer program product for performing the above steps (referring to Section 4.4),  
20 specifically a Windows executable program.

**Regarding the Applicants' response submitted January 16, 2007**

The Examiner stated that the declaration under 37 CFR 1.131, filed along with the Applicants response on January 16, 2007, was considered but that the Examiner found  
25 this declaration to be ineffective to overcome the Thompson article. The Examiner further stated that the evidence submitted by the Applicants was insufficient to establish a conception of the invention prior to the effective date of the Thompson reference. The Examiner stated that, while conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete  
30 disclosure to another. The Examiner stated that conception is more than a vague idea of how to solve a problem, and that the requisite means themselves and their interaction

must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 □.G. 1417 (D.C. Cir. 1897).

Furthermore, the Examiner stated that the evidence submitted is insufficient to establish  
5 diligence from a date prior to the date of reduction to practice of the Thompson article  
to either a constructive reduction to practice or an actual reduction to practice. The  
Examiner stated that the presented evidence alleges conception of 3/28/2002, and the  
filing date of the application is 10/23/2003, and that if the Applicants are claiming  
constructive reduction, Applicants have not accounted for the entire 7 months for which  
10 diligence must be shown, and if Applicants are claiming actual reduction, Applicants  
have not accounted for the entire 6 months for which diligence must be shown.

The Examiner further notes that not all the Applicants have signed the declaration, and  
that, it is unclear whether the Applicants are claiming actual or constructive reduction to  
15 practice. Next the Examiner requested that the Applicants must submit an  
unambiguous statement regarding this matter in the signed declaration.

The Examiner alleges that the only evidence of conception presented by the Applicants  
is the invention disclosure dated September 23, 2002, but that no earlier evidence of  
20 conception has been presented by the Applicants' own admission (referring to page 3,  
paragraph 6 of the invention disclosure).

The Examiner further stated that the Applicants do not map the provided exhibit  
(invention disclosure) to the claims. See MPEP 715.07 (emphasis added). The  
25 Examiner stated that the Applicants have merely recited the independent claims, and have  
not explained the correspondence between the claimed invention and the exhibit.

Furthermore, the Examiner submitted that "the essential thing to be shown under 37 CFR  
1.131 is priority of invention and this may be done by any satisfactory evidence of the  
30 fact. FACTS, not conclusions, must be alleged. Evidence in the form of exhibits may  
accompany the affidavit or declaration." The Examiner further stated that "the affidavit or

Reply to Office Action of April 20, 2007

declaration and exhibits” must clearly explain which facts or data the Applicant is relying on to show completion of his or her invention prior to the particular date, and that vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice amounts essentially to  
5 mere pleading, unsupported by proof or a showing of facts and, thus, does not satisfy the requirements of 37 CFR 1.131(b). *In re Borkowski*, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also *In re Harry*, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit “asserts that  
10 facts exist but does not tell what they are or when they occurred.”)

The Examiner concluded that the Applicants have not submitted any evidence of actual reduction to practice, and that the submitted document (invention disclosure) is only referred to for proof of conception.

15  
**Regarding the rejections of independent Claims 1, 18, 35, and 52 over the Thompson article**

**The cited prior art does not establish a prima facie case of anticipation**

20 In order to establish a prima facie case of anticipation the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of  
25 anticipation is not met.

The Applicants assert that the Examiner has failed to establish a single reference that teaches or enables each of the elements of the claimed invention. Specifically the Applicants submit that the Examiner has failed  
30 to set forth a prima facie case of anticipation because Applicants firmly believe that that the present invention was conceived prior to the

publication date of the Thompson article, and as such, the Thompson article should not be considered prior art with respect to the present invention.

5     **The Thompson article should not be considered prior art with respect to the present invention**

10     The Applicants assert that the Thompson article is an academic publication that was published on the IEEE Aerospace Conference Proceedings, on March, 2003. The Applicants further emphasize that the present invention was conceived prior to the publication date of the Thompson article. As sworn to in the attached and newly updated 37 CFR 1.131 declaration signed by the inventor, **the present invention was invented as early as March 28, 2002** (a year before the publication date of the Thompson article) when a device embodying the invention was  
15     constructed and tested and/or the process was practiced by Denver Dash (as evidenced by page 2, section 4 of the Invention Disclosure, included therewith as Appendix A), **or the present invention was invented at least as early as September 23, 2002** (six months before the publication date of the Thompson article) when the finalized invention disclosure was  
20     signed and stamped by HRL Laboratories, LLC (as evidenced by the bottom right corner of every page of the Invention Disclosure). In addition, **the Applicants submit that the 37 CFR 1.131 declaration discloses that the present invention was diligently pursued with the purpose of its “constructive reduction to practice” on the filing date of October 23, 2003.**  
25

Because the present invention was invented at least as early as March 28, 2002 (date of conception) or September 23, 2002 (date of invention disclosure), the present invention was conceived prior to the publication date of the Thompson article (March 2003). **Thus, the Applicants**

Reply to Office Action of April 20, 2007

**strongly believe that with the attached §1.131 declaration, the Thompson article can no longer be considered prior art with respect to the present invention.**

(a) **Regarding the Examiner's considering the signed declaration ineffective to overcome the Thompson article**

**Averments made in a 37 CFR 1.131 affidavit or declaration do not require corroboration**

The law states that "in interference practice, conception, reasonable diligence, and reduction to practice require corroboration, whereas averments made in a 37 CFR 1.131 affidavit or declaration do not require corroboration; an applicant may stand on his or her own affidavit or declaration if he or she so elects." *Ex parte Hook*, 102 USPQ 130 (Bd. App. 1953).

Therefore, regarding the Examiner's statements that "the Examiner found the declaration to be ineffective to overcome the Thompson article, and that the evidence submitted was insufficient to establish a conception and diligent reduction to practice of the invention prior to the effective date of the Thompson reference," the Applicants disagree with the Examiner's assessment. Upon a review of the case law and relevant facts, the Applicants believe that the Examiner is mistakenly holding the 1.131 declaration to a standard that is used in interference proceedings, where the conception and diligent reduction to practice must be corroborated. However, the Applicants submit that such a standard should not be held for the 1.131 declaration, where the statement alone should suffice, as "...an applicant may stand on his or her own affidavit or declaration if he or she so elects." See *id.*

Nevertheless, the facts corroborate the Applicants' assertions that the invention was conceived prior to the cited reference. As illustrated herein and verified with the attached declaration, the invention was conceived and diligently reduced to practice in a manner sufficient to overcome the cited reference.

(b) **Regarding the Examiner's considering that the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Thompson article, and that it is unclear whether the Applicants are claiming actual or constructive reduction to practice**

The Applicants submit that the time from conception to filing should not matter, as **it has been held that waiting on an attorney to draft and file a patent application is diligent.** Reasonable diligence is all that is required of the attorney. *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986). Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. See *id.* If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient. See *id.* "[I]t is of no moment that the end of that period [for diligence] is fixed by a constructive, rather than an actual, reduction to practice." *Justus v. Appenzeller*, 177 USPQ 332, 340-41 (Bd. Pat. Inter. 1971).

As applied to the present case and as authenticated with the signature below, the Applicants attorney was in the process of preparing the patent application during the time between the conception and the constructive reduction to practice (i.e., filing date). During the time between the conception and the filing of the present invention, the Applicants attorney had a reasonable backlog of unrelated cases and took up the cases in chronological order and diligently and expeditiously carried out the cases



Reply to Office Action of April 20, 2007

until their respective filing dates. Thus, the present application was diligently prepared by the attorney until its filing date, resulting in constructive reduction to practice.

5 Therefore, the Applicants respectfully submit that the Examiner has misinterpreted the law according to this issue, and that the evidence submitted is sufficient to establish diligence from the time of conception of the present invention, March 28, 2002, until its filing date on October 23, 2003.

10

The Applicants further submit that the present invention was diligently pursued with the purpose of its **“constructive reduction to practice” on the filing date of October 23, 2003.**

15 (c) **Regarding the Examiner’s statement that the only evidence of conception is the document that is dated September 23, 2002 (referring to entire invention disclosure), and that no earlier evidence of conception by Applicant’s own admission has been presented (referring to page 3 sections 6 and 7 of the invention disclosure)**

20 The Applicants respectfully submit that **the Examiner is mistakenly equating “evidence of earlier conception” with “related external publications and product embodying inventions that were disclosed prior to the invention disclosure date of 9/23/2002”** (referring to page 3, sections 6 and 7 of the invention disclosure). The Applicants submit that  
25 by Applicant’s own admission on sections 6 and 7 of the invention disclosure, the Applicants stated that there was no publication or public presentation related to the invention prior to 9/23/2002; there were no related invention disclosures or patent applications prior to 9/23/2002; there were no proposals or reports or other documents relating to this  
30 invention prior to the present invention disclosure filed 9/23/2002; the

Reply to Office Action of April 20, 2007

invention had not been used inside or outside the company, or discussed, demonstrated, or otherwise disclosed outside the company (such as to a vendor) prior to 9/23/2002; there was not a product embodying the invention or made by the invention been proposed, sold or offered for sale prior to 9/23/2002; and there was not a product embodying the invention or made by the invention in a deliverable item prior to 9/23/2002.

However, the Applicants submit that, by the Applicant's own admission on page 2, section 3a of the invention disclosure, the Applicants clearly stated that **the first written description and drawings of the present invention (earliest evidence of conception) were made by Krzysztof W. Przytula on March 4, 2002 at HRL Laboratories, Bldg 254, Room 4G26.** The Applicants further submit that **Krzysztof W. Przytula first disclosed the concept to Denver Dash on March 25, 2002 at HRL Laboratories (referring to page 2, section 3b of the invention disclosure).**

Furthermore, the Applicants submit that, by the Applicant's own admission on section 4 of the invention disclosure, the Applicants clearly stated that **a device embodying the invention was constructed and tested (or the process was practiced) by Denver Dash, wherein the construction of the device started on March 28, 2002, and the device was completed on September 13, 2002.** The Applicants further stated that on September 23, 2002, the device embodying the invention was located at HRL Laboratories, Bldg 254, Room 4G26.

In addition, by the Applicant's own admission on section 4c of the invention disclosure, **the Applicants clearly stated that on September 23, 2002, several documents (dated, signed, and witnessed), including photos, drawings, and data sheets showing reduction to practice of the present invention** were located at HRL Laboratories, Bldg. 254, Room 4G26.

Therefore, the Applicants submit that there is clear evidence of earlier conception (earlier than September 23, 2002) on page 2 sections 3 and 4 of the invention disclosure, where the inventors stated that the first written description and drawings of the present invention (earliest evidence of conception) were made by Krzysztof W. Przytula on March 4, 2002, and that Denver Dash began the construction of a device embodying the invention on March 28, 2002, and completed the device on September 13, 2002.

**The Applicants emphasize that all of these dates above, (March 4, 2002, earliest evidence of conception of present invention; March 28, 2002 to September 13, 2002, implementation of a device embodying the present invention; and September 23, 2002, day the invention disclosure was dated, signed, witnessed, and stamped at HRL Laboratories), preceded the publication date of March 2003, when the Thompson article was first published. The Applicants firmly submit that the date of the invention disclosure (September 23, 2002) alone proves that the present invention was conceived at least six months prior to the publication date of the Thompson article.**

**(d) Regarding the Examiner's statement that the Applicants did not map the provided exhibit, invention disclosure, to the claims**

The Applicants respectfully submit that **the invention disclosure clearly presents graphs and plots** (referring to pages 12 to 16 of the invention disclosure; Appendix A) **illustrating the results obtained with a software implementation of the present invention**, and that the Examiner was mistaken when the Examiner alleged that "the Applicants have not submitted any evidence of actual reduction to practice."

In addition, the Applicants submit that there is correspondence between the claims of the present invention and its invention disclosure. The

Applicants submit that independent **Claim 1 discloses a method for automatically evaluating Bayesian network models for decision support comprising receiving a Bayesian Network (BN) model** including evidence nodes and conclusion nodes, where the conclusion nodes are linked with the evidence nodes by causal dependency links, and where the evidence nodes have evidence states and the conclusion nodes have conclusion states, **while the invention disclosure states that “the invention is a method for evaluation of the Bayesian Network (BN) model and the decision domain”** (referring to page 8, lines 1 to 2 of the invention disclosure). The Applicants further submit that **as known to one skilled on the art, a Bayesian Network consists of evidence nodes, also known as observation nodes** (nodes whose state can be observed to obtain evidence), **and conclusion nodes, also known as failure nodes** (nodes whose resulting state reflects either failure or success).

Independent Claim 1 discloses “setting the states of the conclusion nodes (referred to as ‘failure nodes’ on the invention disclosure) to desired conclusion states and determining, by propagating down the causal dependency links, a corresponding probability of occurrence of evidence states of the evidence nodes (referred to as ‘observation nodes’ on the invention disclosure) and producing, from the probability of occurrence, a plurality of samples of most likely states of the evidence nodes (referred to as ‘observation nodes’ on the invention disclosure).” **This corresponds to the Failure propagation step disclosed by the invention disclosure on page 8, lines 16 to 25.**

Specifically, the invention disclosure states (referring to page 8, lines 16 to 25) that “in failure propagation step we perform the following computation steps: (a) select one or more specific failures (this corresponds in Claim 1 “to select desired conclusion state”); (b) in the BN we set the states of nodes representing the failures to defective and

set the states of the remaining failure nodes that are the root nodes of the BN to the state non-defective (this corresponds in Claim 1 to “setting the states of the conclusion nodes, failure nodes, to desired conclusion states”); (c) determine the state of the remaining nodes using Monte Carlo simulation, find the next node in the list of temporally ordered nodes, and using BN inference, calculate the posterior distribution of that node (evidence node) given the evidence so far (this corresponds in Claim 1 to “determining, by propagating down the causal dependency links, a corresponding probability of occurrence of evidence states of the evidence nodes”); and (d) determine the state of the node by Monte Carlo sampling of its posterior distribution and stop when states of all nodes (evidence nodes) have been determined (this corresponds in Claim 1 to “producing, from the probability of occurrence, a plurality of samples of most likely states of the evidence nodes”).

Furthermore, independent Claim 1 discloses “setting the states of the evidence nodes to states corresponding to the plurality of samples of the evidence states, and propagating the evidence states back up the causal dependency links to the conclusion nodes, to obtain a plurality of probabilities of the resulting states of the conclusion nodes.” **This corresponds to the “diagnosis step” disclosed by the invention disclosure on page 8, lines 26 to 30.**

Specifically, the invention disclosure states (referring to page 8, lines 26 to 30) that the failure propagation step is followed by a diagnosis step, wherein the diagnosis step consists of the following computation steps: (a) assume the states of all the observation nodes (evidence nodes) to be those determined in the failure propagation step (this corresponds in Claim 1 to “setting the states of the evidence nodes (observation nodes) to states corresponding to the plurality of samples of the evidence states”); and (b) compute posterior probability for all the

failure nodes, not only the nodes selected as “defective” in the failure propagation step, given the states of the observation nodes (evidence nodes) (this corresponds in Claim 1 to “propagating the evidence states back up the causal dependency links to the conclusion nodes or failure nodes, to obtain a plurality of probabilities of the resulting states of the conclusion nodes or failure nodes”).

In addition, independent Claim 1 discloses “outputting a representation of the plurality of the probabilities of the states of the conclusion nodes.”

**This corresponds to the “visualization step” disclosed by the invention disclosure on page 9, lines 1 to 22.**

Specifically, the invention disclosure states (referring to page 9, lines 1 to 4) that the failure propagation step and the diagnosis step are followed by a third step, the visualization step, which is performed when all the computations for the first two steps are completed. The invention disclosure further states that there are two outputs produced by the visualization step complete graph for failure probabilities, and 2D and 3D matrices of averaged failure probabilities (this corresponds in Claim 1 to “outputting a representation of the plurality of the probabilities of the states of the conclusion nodes”). The Applicants further submit that the invention disclosure clearly presents graphs and plots (referring to pages 12 to 16 of the invention disclosure) illustrating the results obtained with a software implementation (reduction to practice) of the present invention, which clearly correspond to “outputting a representation of the plurality of the probabilities of the states of the conclusion nodes,” as disclosed by Claim 1.

**Regarding independent Claims 18, 35, and 52, the Applicants direct the Examiner to the comments above concerning the correspondence of independent Claim 1 with the invention disclosure of the present invention.** The Applicants submit that Claims 18, 35, and 52 disclose

Reply to Office Action of April 20, 2007

limitations, in a similar manner as Claim 1, that directly correspond to the “failure propagation, diagnosis, and visualization steps” as described in the invention disclosure.

**For at least the reasons stated above, the Applicants assert the correspondence of the invention disclosure with the limitations disclosed in independent Claims 1, 18, 35, and 52 of the present invention.**

The Applicants emphasize that independent Claims 1, 18, 35, and 52 clearly disclose a series of steps or acts that directly correspond to the “failure propagation, diagnosis, and visualization” steps taught by the invention disclosure. The Applicants further emphasize that these steps ultimately result on “outputting a representation of a plurality of the probabilities of the states of the conclusion nodes,” wherein this resulting plurality of probabilities stand alone on their own to evaluate Bayesian network models for decision support.

**Because the Thompson article should not be considered prior art with respect to the present invention, for at least the reasons presented above, and because the prior art fails to teach all the elements of Claims 1, 18, 35, and 52, arranged exactly as in Claims 1, 18, 35, and 52, for reasons discussed above, the Applicants strongly believe that Claims 1, 18, 35, and 52 are patentable over the prior art. Therefore, the Applicants respectfully request that the Examiner withdraw this rejection under 35 U.S.C. § 102(a) and provide for timely allowance of Claims 1-68.**

**Examiner’s rejection of dependent Claims 2-9, 11-17, 19-26, 28-34, 36-43, 45-51, 53-60, and 62-68.**

The Examiner stated that the Thompson article anticipates the limitations disclosed by the Claims 2-9, 11-17, 19-26, 28-34, 36-43, 45-51, 53-60, and 62-68 of the present invention.

**Regarding the rejections of the dependent Claims 2-9, 11-17, 19-26, 28-34, 36-43, 45-51, 53-60, and 62-68 over the Thompson article**

Regarding Claims 2-9, 11-17, 19-26, 28-34, 36-43, 45-51, 53-60, and 62-68, the Applicants direct the Examiner to the comments above concerning the rejection of the independent Claims 1, 18, 35, and 52 as being anticipated by the Thompson article. Because the Thompson article should not be considered prior art with respect to the present invention and thus fails to teach all the elements of Claims 1, 18, 35, and 52, arranged exactly as in Claims 1, 18, 35, and 52, for reasons discussed above, the Applicants strongly believe that Claims 1, 18, 35, and 52 are patentable over the prior art.

Furthermore, the Applicants submit that Claims 2-17 are dependent upon Claim 1, Claims 19-34 are dependent upon Claim 18, Claims 36-51 are dependent upon Claim 35, and Claims 53-68 are dependent upon Claim 52, and these dependent claims incorporate all of the limitations of their respective independent Claims 1, 18, 35, and 52. For the reasons given above, the Applicants submit that Claims 1, 18, 35, and 52 are patentable. Therefore, in addition to the reasons set forth above, the Applicants submit that Claims 2-17, 19-34, 36-51, and 53-68 are also patentable under 35 U.S.C. § 102(a), at least based on their dependence upon an allowable base claim. In addition, Claims 2-17, 19-34, 36-51, and 53-68 include additional limitations that further distinguish them from the reference cited. Therefore, the Applicants respectfully submit that Claims 2-17, 19-34, 36-51, and 53-68 are also allowable over the cited reference and request reconsideration and allowance of these claims.



**Closing Remarks:**

The Applicants respectfully submit that, in light of the above remarks, the application and all pending claims are now in allowable condition. Therefore, reconsideration is respectfully requested. Accordingly, early allowance and issuance of this application is respectfully requested.

In the event that the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either the Applicants or Applicants' representative would be beneficial the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

Respectfully submitted,

Date

Cary Tope-McKay  
TOPE-MCKAY & ASSOCIATES  
23852 Pacific Coast Highway #311  
Malibu, CA 90265  
Tel: 310-589-8158  
Mobile: 310-383-7468  
Fax: 310-943-2736  
E-mail: [cmckay@topemckay.com](mailto:cmckay@topemckay.com)

Cary Tope-McKay  
Registration No. 41,350